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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 08/998,302
Art Unit : 2735
Examiner : B. Zimmerman
Applicant : Joel D. Stanfield et al.
Filing Date : December 24, 1997
For : ELECTRONIC SYSTEM, COMPONENTS AND METHOD FOR TRACKING FILES

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

RESPONSE

This is a response to the final Office Action mailed June 22, 2000. In that Office Action, the Examiner made the restriction requirement final and maintained that the rejection of claims 1, 11-13, and 38-41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,455,409 issued to Smith and either U.S. Patent No. 5,424,858 issued to Gillotte or U.S. Patent No. 4,376,936 issued to Kott.

In the remarks portion of the Office Action, the Examiner characterized Applicants' prior arguments as follows:

a. The applicant argues that the references do not show an addressable file folder responsive to a control signal including a unique address to transmit a signal back to the processor so that the processor may maintain the file location in a database.

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b. The applicant argues that the references do not show a [sic] retainer contacting the bus when the retainer is in any one of several different positions.

With respect to the above paragraph (a), the Examiner quotes the Abstract of Smith and contends:

It is clear from this section of Smith shows [sic] an addressable file folder responsive to a control signal including a unique address to transmit a signal back to the processor (footnote 2 above) so that the processor may maintain the file location in a database (footnote 1 above).

Applicants submit that the portion of Smith quoted by the Examiner does not support the above-quoted conclusions. Nowhere does the quoted portion of Smith state that the control signal to which the addressable file folders would be responsive would include a unique address of the file folder. While the quoted portion of Smith does disclose that the system polls and searches the system to identify the carrier in which a requested article is stored, the manner by which the Smith system polls and searches the system to identify such a carrier is much different than that utilized in the claimed invention. Specifically, the Smith system merely transmits a read enable signal separately to each of the tape carriers over a dedicated line coupled to that carrier such that the tape carriers will respond by transmitting their unique volume number back to the polling controller. Thus, the control signal clearly does not include a unique address corresponding to the tape carrier nor would there be any reason to modify the Smith system such that a unique address is transmitted to each tape carrier.

As previously stated, Applicants submit that neither Gillotte nor Kott teaches or suggests an addressable file folder responsive to a control signal including a unique address, to transmit a signal back to the processor. Thus, neither Gillotte nor Kott teaches or suggests the

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deficiency noted above with respect to Smith. Further, because Smith utilizes a dedicated line connected between the processor and each separate tape carrier, there would be absolutely no reason why the processor would need to transmit a control signal that included a unique address for the tape carrier. While the host processor of Smith may transmit the volser number of a requested tape, the volser number transmitted from the host processor is never received by the tape.

For the reasons stated above and in the prior response, Applicants submit that claims 1 and 11-13 are allowable over Smith, Kott, and Gillotte whether considered separately or in combination.

Regarding paragraph (b) in the Office Action, the Examiner states:

Regarding claim 38, the claims previously required coupling when the retainer is positioned in one of several different positions. As it has been previously discussed, the references to Kott and Gillotte both show this since the retainers of the references at least are coupled in one position.

In the claims however, in order to overcome the above interpretation, the applicant has amended to require coupling when the retainer is positioned [sic] any one of several positions. First it is believed that this language does not overcome the above interpretation, in that the references each show coupling in one orientation. Secondly, the references read on the claim language since there is coupling whether the retainer is the first retainer in the cabinet and also if the retainer is positioned in the back of the row. Therefore, there is coupling in any one of several positions.

Applicants submit that the Examiner has apparently misunderstood Applicants' prior arguments as well as the claims. Specifically, claim 38 recites that "for at least one file folder, said conductor is configured to electrically couple said addressable device to the electrical contacts of said folder retainer at a plurality of locations *on said file folder*." Regardless of whether a file folder in Kott is placed at the front or back of the file cabinet, the conductor on

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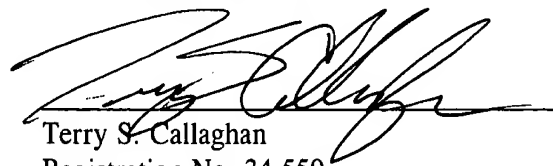
the file folder is not configured to electrically couple the addressable device carried on the file folder to the electrical contacts of the folder retainer "at a plurality of locations on said file folder," as recited in claim 38. Instead, the conductors on the Kott file folder contact the electrical contacts of the retainer at only one location *on the file folder* despite the fact that the folder contacts the retainer contacts at several locations *along the container contacts*. Neither Smith nor Gillotte teaches or suggests this deficiency with respect to the teachings of Kott. Accordingly, none of the references, whether considered separately or in combination, teaches or suggests the features recited in independent claim 38. Thus, independent claim 38 as well as claims 39-41, which depend therefrom, are allowable over the teachings of Smith and either Kott or Gillotte.

For the reasons stated above, Applicants submit that the present invention as defined in the pending claims is allowable over the prior art of record. The Examiner's reconsideration and allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

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